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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Notice of Public Comment Period regarding the "Third Consent Decree" for the Old Connersville Landfill

The Department of Environmental Management herein gives notice of the lodging of the "Third Consent Decree" regarding the Old Connersville Landfill. The Department will accept comments until January 30, 2002.

The Old Connersville Landfill is located along Eastern Avenue, between State Road 121 and the Whitewater River in Connersville, Indiana, and is currently owned by the City of Connersville. The Old Connersville Landfill operated from approximately 1930 to 1972, and accepted domestic and industrial wastes.

The First and Second Consent Decrees involved the Department's settlement with industrial users of the Connersville Landfill, each of which is alleged to have sent hazardous substances to the Old Connersville Landfill. These industrial users have either paid or agreed to pay \$1,190,000 into a trust fund dedicated to pay the Department's past CERCLA response costs, to fund work immediately necessary to protect the Landfill, and to fund the Department's continued monitoring of the Old Connersville Landfill.

In the Third Consent Decree the City of Connersville has agreed to pay \$600,000 into the existing trust fund, impose use restrictions in the chain of title for the real estate, and assume long-term maintenance of the property.

In exchange, the Department covenants not to sue the City for injunctive relief or for recovery of costs relating to the Department's actions taken or to be taken at the Old City Landfill. The City will also receive contribution protection pursuant to 42 USC § 9613(f)(2). However, the Third Consent Decree expressly excludes releasing the City from criminal liability (if any exists) and excludes any release for natural resource damages.

On December 7, 2001, the Third Consent Decree was lodged with the United States District Court at 46 E. Ohio Street, Indianapolis, as Cause Number IPO1-1858 C T/K. Parties wishing to review the terms of the Third Consent Decree may view a copy in the Clerk's Office. Parties wishing to comment on the Third Consent Decree may do so by submitting written comments to the Deputy Attorney General on or before January 31, 2001, at the following address:

Deputy Attorney General
Timothy J. Junk
Office of the Attorney General
Indiana Government Center South
Fifth Floor
402 W. Washington Street
Indianapolis, IN 46204-2770

OCCUPATIONAL SAFETY STANDARDS COMMISSION

ADOPTION BY REFERENCE

Bulletin 01-03

IC 22-8-1.1-16.2 allows the adoption of any United States Occupational Safety and Health Administration (OSHA) standard that has been lawfully adopted by OSHA under federal law to be enforced by the Indiana Department of Labor, not earlier than sixty (60) days after the effective date of the federal OSHA final standard. Notice must be given by the Indiana Department of Labor by publishing a statement describing the standard by making reference to the federal regulation, under IC 4-22-7-7(b).

The Indiana Department of Labor incorporates, by reference, the U.S. Department of Labor, Occupational Safety and Health Administration provisions that amend 29 CFR 1926, Subpart R, the final rule for the Construction Safety and Health Standards for steel erection. The Indiana Department of Labor incorporates by reference the standard 29 CFR 1926, Subpart R, as published in the Federal Register, January 18, 2001, Volume 66, Number 12, pages 5265 to 5280.

Federal effective dates: January 18, 2002.

Indiana effective dates: March 19, 2002.

John P. Griffin
Commissioner

OCCUPATIONAL SAFETY STANDARDS COMMISSION

ADOPTION BY REFERENCE

Bulletin 01-04

IC 22-8-1.1-16.2 allows the adoption of any United States Occupational Safety and Health Administration (OSHA) standard that has been lawfully adopted by OSHA under federal law to be enforced by the Indiana Department of Labor, not earlier than sixty

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(60) days after the effective date of the federal OSHA final standard. Notice must be given by the Indiana Department of Labor by publishing a statement describing the standard by making reference to the federal regulation, under IC 4-22-7-7(b).

The Indiana Department of Labor incorporates, by reference, the U.S. Department of Labor, Occupational Safety and Health Administration provisions that amend 29 CFR 1926, Subpart M, the rule for the Construction Safety and Health Standards for fall protection. The Indiana Department of Labor incorporates by reference the amendments to the standard 29 CFR 1926, Subpart M, as published in the Federal Register, January 18, 2001, Volume 66, Number 12, page 5265.

Federal effective dates: January 18, 2002.

Indiana effective dates: March 19, 2002.

John P. Griffin
Commissioner
